

Service Date: September 22, 1986

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of the Application)	TRANSPORTATION DIVISION
OF KAL LEASING, INC., Billings,)	
Montana, for a Class B Certificate)	DOCKET NO. T-8503
of Public Convenience and)	
Necessity.)	ORDER NO. 5391a

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NUNC PRO TUNC ORDER

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FINDINGS

On December 20, 1984, KAL leasing, Inc., dba KAL Lines, filed for a Certificate authorizing the transportation of passengers and baggage in charter service, Class B, between all points and places in Montana. This was noticed to the public January 8, 1985.

Protests were filed by Intermountain Transportation Company, Clark's Bus Service, Inc., Rocky Mountain Transportation, Inc., Karst Stage, Inc., Beach Transportation Company, and Hall Transit Company, Inc.

On March 11, 1985, KAL submitted an amended application to change the wording to:

Class B - Passengers and baggage in charter service between all points and places in Montana. Limitations: All movements must originate and terminate east of the western boundaries of the following counties: Phillips, Petroleum, Wheatland, Sweetgrass, Yellowstone, Big Horn. (For clarification of limitation, Fergus, Stillwater, and Carbon counties are defined as west of this line, and thus excluded from this application for authority).

Based on this amendment, Intermountain withdrew from the case (March 11, 1985), as did Rocky Mountain Transportation, Inc. (March 13, 1985), Beach Transportation Company (March 14, 1985), and Hall Transit (March 22, 1985).

Notice of Public Hearing was issued March 20, 1985, with the commodity description being as follows:

Class B: Passengers and baggage in charter service between all points and places in Montana. Limitations: All movements must originate and terminate east of the western boundaries of the following counties: Phillips, Petroleum, Wheatland, Sweetgrass, Yellowstone, and Big Horn. (For clarification of limitation, Fergus, Stillwater, and Carbon Counties are defined as west of this line, and thus excluded from this authority).

Clark's Bus Service, Inc., withdrew its protest on March 28, 1985, based on the exclusion of operations in Stillwater and Carbon Counties.

The hearing was held April 2, 1985, in Billings, Montana.

Final Order No. 5391 was issued August 15, 1985, granting the following:

Class B: Passengers and baggage in charter service:

1) Between all points and places in the following counties: Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland, Dawson, Wibaux, Prairie, McCone, Garfield, Petroleum, Wheatland, Golden Valley, Musselshell, Treasure, Rosebud, Custer, Fallon, Carter, Powder River, Big Horn, Yellowstone and Sweetgrass.

2) Between all points and places in the following counties subject to the following limitations: Lincoln, Flathead, Glacier, Toole, Liberty, Hill, Blaine, Sanders, Lake, Pondera, Teton, Chouteau, Judith Basin, Cascade, Lewis & Clark, Powell, Missoula, Mineral, Ravalli, Granite, Deer Lodge, Silver Bow, Jefferson, Broadwater, Meagher, Parke, Gallatin, Madison, and Beaverhead. Limitation: All transportation services originating or terminating in Billings, Montana is prohibited.

3) Transportation within Fergus, Stillwater and Carbon Counties is prohibited.

PSC No. 8915 was issued December 12, 1985, listing authority pursuant to Order No. 5391.

On August 21, 1986, Applicant (KAL) asked that the authority granted by Order No. 5391 be amended and that Paragraph (2) of the authority be further restricted as follows: "All

transportation services originating or terminating in the above counties are prohibited."

The Commission finds that the authority granted in Order No. 5391 inadvertently exceeded the scope of authority applied for, and the application as noticed. The Commission concludes, therefore, that the grant of operating authority contained in Order No. 5391 should be amended in the manner suggested by KAL Lines.

ORDER

IT IS ORDERED that Order No. 5391 be amended, nunc pro tunc, so that the following operating authority is granted:

To transport passengers and baggage in charter service as a Class B:

- 1) Between all points and places in the following counties:

Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland, Dawson, Wibaux, Prairie, McCone, Garfield, Petroleum, Wheatland, Golden Valley, Musselshell, Treasure, Rosebud, Custer, Fallon, Carter, Powder River, Big Horn, Yellowstone, and Sweetgrass.

- 2) Between all points and places in the following counties subject to the following limitations:

Lincoln, Flathead, Glacier, Toole, Liberty, Hill, Blaine, Sanders, Lake, Pondera, Teton, Chouteau, Judith Basin,

Cascade, Lewis and Clark, Powell, Missoula, Mineral, Ravalli, Granite, Deer Lodge, Silver Bow, Jefferson, Broadwater, Meagher, Parke, Gallatin, Madison, and Beaverhead.

Limitation: All transportation services originating or terminating in Billings, Montana, or in the above counties, is prohibited.

- 3) Transportation within Fergus, Stillwater and Carbon Counties is prohibited.

DONE AND DATED this 22nd day of September, 1986 by a vote of

3- 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

TOM MONAHAN, Commissioner and
Hearing Examiner

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Acting Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.